HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 21466 of 2006

DATED: 18-10-2006

Between:

Jamiet Ahle Hadees, represented by
its President Md. Fizulla Baig,
Guntur.

…Petitioner

and

The Superintendent of Police,
Guntur District and another.

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 21466 of 2006

ORAL ORDER:

The writ petition is misconceived.

The petitioner claims to follow a distinct doctrine and belong to a distinct sect of Islam, to be a registered society under the Societies Registration Act and to be promoting religious faith, tolerance and harmony. It claims to having a site in Guntur town whereat it raised a small room which is being used as a mosque. The petitioner asserts that the namaaz offered by its members differs in some aspects from that offered by the mainstream Muslim sects. It is also asserted that the Imam of Khizer Mosque in Israilpet, Guntur which mosque is near to the petitioner's mosque is antagonistic to the petitioner society and has been very often disturbing the Namaaz offered by the members of the petitioner's society in its mosque. A suit is also stated to have been filed by the petitioner on the file of the III-Additional Junior Civil Judge, Guntur seeking permanent injunction. The suit is stated to have been decreed on 14-11-2005.

Earlier, when the Mandal Revenue Officer, Brodipeta and the Station House Officer, Old Guntur Police Station allegedly came to the petitioner's mosque on 16-10-2005 and directed them not to offer prayers, the petitioner filed Writ Petition No. 9537 of 2006 for a direction to those respondents not to interfere in the religious functions

of the petitioner's society. This writ petition is stated to be pending. It is also admitted by the petitioner that the respondents had filed counters in that writ petition denying the allegations of the petitioner.

The petitioner further asserts that while its members were offering prayers in the mosque on the night of 8-10-2006 some persons gathered there and forcibly removed its members, beat them severely and damaged the masjid. This unruly conduct is stated to have been perpetrated at the instance of a local M.L.A. In any event, it is admitted that the complaint of a victim and a member of the petitioner society has been taken note of and Cr.No.133 of 2006 registered for offences under Sections 143, 448, 427, 323 r/w Section 149 of IPC against about 100 members who are sunni muslims.

After having stated the above facts, the petitioner seeks a direction to the respondents to allow the members of the petitioner's society to perform namaaz in the plot at Israilpet, Guntur and to provide necessary security to them while offering namaaz.

Admittedly, the petitioner has submitted no complaint to the police setting out any threat, apprehension or interference to the offering of namaaz by its members and nominees nor has specified any individual/s from whom the threat is perceived. It is not the function of this Court to communicate the grievance of the petitioner to the police. The petitioner is always at liberty to directly complain to the police and seek protection. It has not done so.

In the circumstances, no direction need be issued to the respondents to provide police protection. The petitioner is at liberty to make a representation to the police seeking police protection. On such a representation being made, this Court is not in doubt, the same will receive due and adequate consideration by the respondents, in particular, the 1st respondent.

On the analysis above, the writ petition is dismissed. No costs.

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GODA RAGHURAM, J

18-10-2006
GRR